

REMARKS

Claims 1 – 6 are pending and under consideration in the above-identified application.

In the Office Action, the drawings were objected and Claims 1 – 6 were rejected.

In this Amendment, Claims 1 – 6 are amended. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1 – 6 remain at issue.

I. Objection to the Drawings

As required by the Examiner and pursuant to 37 CFR 1.21(d), Applicants have amended FIGs. 8 and 12 to conform them to FIG. 3, and to the Specification, namely page 9, line 12. No new matter has been introduced.

Accordingly, Applicants respectfully request that this objection to the drawings be withdrawn

II. 35 U.S.C. § 101 Rejection of Claims

Claims 5 and 6 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As required by the Examiner, Claims 5 and 6 have been amended to recite “A computer readable medium storing a program...”

Accordingly, Applicants respectfully request that this claim rejection be withdrawn

III. Double Patenting

Claims 1 and 4 – 6 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 4, 10, and 11, respectively, of copending Application No. 10/805, 207.

Without acquiescing in the merits of the rejection, Applicants reserve the right to file an appropriate Terminal Disclaimer upon the issuance of the copending application. The rejection thus has been overcome.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1 – 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya et al. (U.S. Patent Publication No. 2001/0038716) in view of Nakajima et al. (U.S. Patent

Publication No. 2004/0008902).

The United States Patent Publication No.: US 2001/0038716 to Tsuchiya et al., owned by Sony Corporation was pending as of the October 11, 2005 filing date of the present patent application, which is assigned with 100 percent interest to Sony Corporation. As such, the subject matter disclosed in the Patent Publication No. 2001/0038716 and the presently claimed invention were, at the time the present invention was made, owned by the same entity, namely Sony Corporation. Therefore, under 35 U.S.C. § 103 (c) this subject matter disclosed in the Patent Publication No.: US 2001/0038716, which may qualify as prior art under subsection (e), (f), and (g) of 35 U.S.C. § 102, does not affect patentability of the present patent application.

Thus, Independent Claims 1 and 4 – 6 are patentable over Tsuchiya in view of Nakajima, taken singly or in combination with each other, as are corresponding dependent Claims 2 and 3, for at least the same reasons.

Accordingly, Applicant respectfully requests that these claim rejections under 35 U.S.C. § 103(a) be withdrawn.

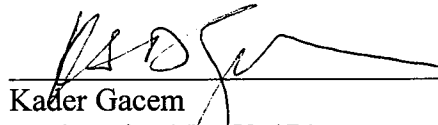
V. Conclusion

In view of the above amendments and remarks, Applicants submit that Claims 1 6 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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